(1) SBCivil Writ Petition No.3431/2006
(Ram Kumar Pal v. BSNL, Jaipur & Ors.)

(2) SBCivil Writ Petition No.3432/2006
(Vijay Shankar Sharma v. BSNL, Jaipur & Ors.)

(3)SBCivil Writ Petition No.3470/2006
(Shyam Sunder Pandey v. BSNL, Jaipur & Ors.)

(4)SBCivil Writ Petition No.3471/2006
(Shiv Kumar Dubey v. BSNL, Jaipur & Ors.)

Date of Order :: 4th September, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. K.S.Yadav, for the petitioners.
Mr. V.K.Mathur, for the respondents.

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These petitions for writ involve similar facts and common question of law, therefore, are heard and disposed of together.

A challenge is given by the petitioners to the order dated 23.6.2006 passed by Divisional Engineer (Admn.), General Manager, Telecom District, Sriganganagar effecting transfers of the petitioners from one office to another in the same telecom district.

The contention of the petitioners is that they have been transferred in violation of the transfer policy made by the respondent Corporation only with a view to victimise them as they are members of National Federation of Telecom Employees.

A reply to the writ petition has been filed on behalf of the respondents in all the allegations with regard to violation of the policy applicable and with regard to victimisation for being member of the National Federation of Telecom Employees.

While hearing of the writ petition an oral instruction was given to the respondents to supply the entire proceedings and notings as a consequence of which the petitioners were transferred. Same is placed before the Court by the respondents today. From perusal of nothings it is apparent that the order of transfer was passed by the respondents by taking into consideration various criteria laid down in transfer policy irrespective of any impression about affiliation of the petitioners with a specific trade union. The details pertaining to the transfers made under the order impugned as summarised by the respondents reads as under:-

> "1.Sh.Gurdayal Ram, T.M. SDOP (C&OA) was in Sri Ganganagar since 08.08.1982 and transferred mutually with Sh. Raj Kumar, T.M. UDC. He was at UDV since 24.04.2000.
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> 2.The mutual transfer of Faiz Khan with Sh. Ratti Ram has been considered choice posting due to his old age because he is going to be retired on dated 30.04.2010.

3.Satya Pal, T.M. has been considered for his willing station at his own cost (no expenditure made by deptt) as he had very little time left for his retirement and was retiring on dated 30.11.2006. More over he had completed his tenure in rural area.

4.Sh.Shashi Kant Sharma, T.M. Dhanoor has been transferred to SGR at his own cost (no expenditure made by deptt) as he had completed his tenure at rural station.

5.Sh.Ram Pratap Yadav, T.M.Mukalwa has been transferred to SGR at his own cost (no expenditure made by deptt) as he had completed his tenure at rural station.

6.Sh.Ashok Singh has been transferred to Sri Ganganagar at his willing. He was posted at UDV since 31.10.1997. AT YDV 03 T.M. was working at the time of issue of order. As the UDV is now RSU of SGR, 02 T.M.s are more than sufficient.

7.Sh.Lal Chand, T.M. Udasar has been transferred at his own cost (no expenditure made by deptt) as he had completed his tenure at rural station.

8.Sh.Rohitash Solanki, T.M. has been transferred athis own cost and request from Ramgarh to an unmanned exchange Ghamandia, (rural to rural) and no expenditure made by the deptt.

9.Sh.Parshu Ram Yadav, T.M. 4-BLD has been transferred to an unmanned remote rural exchange 5-MLD at his willingness and own

cost for betterment of telecom services in rural areas. The exchange 5-MLD was vacant since long time due to death of our one T.M. SH.Siromani Singh. It is also note worthy that 5-MLD is one of the toughest rural stations in Sri Ganganagar SSA.

10.Sh.Jotu Singh, T.M. was staying at SGR 02.09.1974 at Sri Ganganagar. Being senior according stay particular at SGR he has been transferred to Udasar an unmanned rural station for betterment of telecom services in rural area.

11.Sh.Ram Kumar Pal, T.M. was staying at SGR 20.10.1978 at Sri Ganganagar. Being senior according stay particular at SGR he has been transferred to Rojari an unmanned rural station for betterment of telecom services in rural areas.

12.Sh.Tara Chand, T.M. was staying at SGR 10.10.1981 at Sri Ganganagar. Being senior according stay particular at SGR he has been transferred to Dhanoor an unmanned rural station for betterment of telecom services in rural areas.

13.Sh.Vijay Shankar Sharma, T.M. was staying at SGR 30.05.1983 at Sri Ganganagar. Being senior according stay particular at SGR he has been transferred to Masitawali Head an unmanned rural station for betterment of telecom services in rural areas.

14.Sh.Shiv Kumar Dubey, T.M. was staying at SGR 01.05.1984 at Sri Ganganagar. Being senior according stay particular at SGR he

has been transferred to Chohilawali an unmanned rural station for betterment of telecom services in rural areas.

15.Sh.Shyam Sunder Pandey, T.M. was staying at HMJ 30.05.1983. Being senior according stay particular at he has been transferred to Chahuwali an unmanned rural station for betterment of telecom services in rural areas.

16.Sh.Mubarak Ali, T.M. was staying at HMJ since 12.10.1982. He was considered for transfer according to his longest stay. But later on when it came into notice that he had attained the age of 55 years his orders was held in abeyance with immediate effect and subsequently it will be cancelled.

17.Sh.Mukut Singh Pal, T.M. was repatriated as he was not remained as office bearer at time of orders. He has been posted to Daultawali an unmanned rural station for betterment of telecom services in rural areas.

18.Sh.Beta Lal Sharma, T.M. was transferred to Mukalwa an unmanned station from BBLS for betterment of telecom services in rural areas. At BBLA 2 T.M.s were posted and to man the Muklawa station he was transferred according to seniority at BBLA station. He was staying at BBLA since 02.07.1985.

19.Sh.Ram Narayan Saini, T.M. was transferred to 4-BLD an unmanned station for betterment of telecom services in rural areas. At JTS 03 T.M.s were posted at the

time of order and the official has been considered for transfer as he had longest stay at JTS. He was staying at JTS since 02.04.1979."

The facts stated in the summary are supported by documents and those are also placed on record. In view of the fact that the transfers are effected by due application of mind irrespective of any malice, I do not consider the present petitions fit to be interfered by this Court under Article 226 of the Constitution of India.

Accordingly, these petitions for writ are dismissed.

(GOVIND MATHUR),J.

kkm/ps.